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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/137,677 10/14/93 TUTTLE

13M1/1018

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M	71579.2
EXAMINER	
RIVARD, P	
ART UNIT	PAPER NUMBER
	10

1304

DATE MAILED: 10/18/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 6/12/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire three (3) month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 25-48 are pending in the application.

Of the above, claims 25 + 36-48 are withdrawn from consideration.

2. ☒ Claims 1-24 have been cancelled.

3. ☐ Claims \_\_\_\_\_ are allowed.

4. ☒ Claims 26-35 are rejected.

5. ☐ Claims \_\_\_\_\_ are objected to.

6. ☒ Claims 25-48 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 1304

**Part III DETAILED ACTION**

***Election/Restriction***

1. Newly submitted claims 25 and 36-48 are directed to inventions that are independent or distinct from the invention originally claimed for the following reasons:

The product as claimed (25, 36-41) can be made by another and materially different process such as applying the barrier material by film lamination.

The method and apparatus for manufacturing and storing RFID transceivers (claims 42-46) and methods of manufacturing RFID transceivers recited in claims 47 and 48 are patentably distinct species of the claimed invention.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25 and 36-48 are withdrawn from consideration as being directed to a non-elected invention. See 37 C.F.R. § 1.142(b) and M.P.E.P. § 821.03.

***Claim Rejections - 35 USC § 103***

2. Claims 26-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Anders *et al.* (4,827,395) in view of Holland (4,746,830).

Art Unit: 1304

The Anders *et al.* patent discloses a process for forming a passive transceiver 13 comprising the steps of attaching a chip to a micro battery using an antenna, (col. 8, lines 61-63). The reference does not teach sealing the chip and battery between covers having a barrier material.

The Holland reference discloses a process for making a transceiver comprising the steps of providing an interrogator 10 having an antenna 11 for transmitting radio frequency signals, (col. 5, lines 34-39). A cover 29 comprising silicon dioxide or polymeric material, interfaces with the piezoelectric substrate while protecting the circuit, (col. 7, lines 22-32).

It would have been obvious to one having ordinary skill in the art to have provided covers including a polymeric or silicon barrier material with the device taught by Anders *et al.*, since Holland recognizes the desirability of employing a protective cover having a conductive barrier material to propagate radio frequency waves in a transceiver device.

3. Claims 28-35 are rejected under 35 U.S.C. § 103 as being unpatentable over the references as applied in paragraph 2 above, further in view of Christenson.

The Christenson teaches a method for depositing a barrier material on an electronic device, wherein the barrier layer 71 comprises silicon oxide or silicon nitride (col. 8, lines 44-50) and may be deposited by various methods including chemical vapor deposition, (col. 5, lines 28-36).

Art Unit: 1304

It would have been obvious to one having ordinary skill in the art to have deposited a silicon oxide or silicon nitride layer by chemical vapor deposition on the device suggested by the combined references, since Holland teaches providing a barrier material on a transceiver cover, and Christenson teaches chemical vapor deposition as a preferred method of applying a barrier material to a substrate.

Holland suggests employing polymeric materials as barrier layers. Polyethylene and fluorohalocarbons are well known materials for having the properties taught as desirable by Holland, and would have been obvious to use as barrier materials.

The claimed deposition thicknesses would have been obvious to one skilled in the art during the course of routine experimentation.

#### ***Response to Amendment***

4. Applicant's arguments with respect to claims 26-35 have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

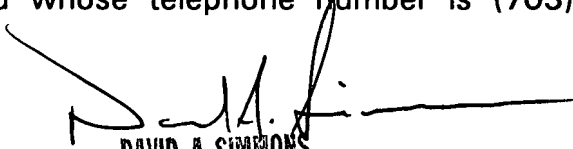
Art Unit: 1304

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Applicant is encouraged to FAX After Final Amendments (37 CFR 1.116) to expedite delivery to the Examiner. The Group Art Unit 1304 facsimile number is 305-7718. A duplicate mailed copy of the facsimile transmission is not required and will only serve to delay processing of your application.

If Applicant prefers to mail in After Final correspondence it is highly recommended that such be mailed BOX AF which will also facilitate processing from the mailroom and within Group 1300.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Rivard whose telephone number is (703) 308-1917.

  
DAVID A. SIMMONS  
SUPERVISORY PATENT EXAMINER  
ART UNIT 134

  
pmr

October 2, 1995